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ABSTRACT

The plan describes a continuing effort in Illinois to improve access to education and school success for homeless children and youth. The Illinois plan was revised to meet the requirements of the Stewart B. McKinney Homeless Assistance Amendments Act of 1987 by reforming the original document into sections that highlight the major requirements of the Act and noting the promising activities that will be the thrust of state and second-tier provider programs administration and service. This document contains the following sections: (1) determination designation and dispute resolution; (2) assuring educational access and school success; (3) data collection, reporting, record maintenance, and transfer; (4) program coordination, case management, and comparable services; and (5) state and local grants and assurances. Each section provides the following information: (1) Federal requirement, indicating the statutory provisions; (2) authority, stating the provisions of the state school code that are the basis of intervention; (3) activity, describing the action planned; and (4) support strategy, highlighting promising developments for implementing sections of the plan. Three appendices contain definitions, grievance procedures, and residency requirements. (SLD)

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ILLINOIS

INVESTING IN THE FUTURE: EDUCATING HOMELESS CHILDREN AND YOUTH

STATE PLAN

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F O R E W O R D

In recognition of the fact that far too many Illinois students continue to exit the public school system either as dropouts or graduates ill-prepared for functioning as productive citizens, this state finds itself actively engaged in school reform, restructuring and program improvement as a means of addressing the problem.

Regardless of the name that is applied to the initiatives or activities correlated with restructuring, a common theme driving the overall program is the recognition that the United States is a nation at-risk and as such can ill-afford the loss of any of the talent and productivity of its citizenry.

Confronting the educational challenge in Illinois requires that we proceed from basic assumptions or premises as follows:

- All children can and must learn both basic skills and higher order thinking skills.
- There is need for long-term commitment to fundamental systemic change.
- The primary purpose of the school improvement process is to improve student academic performance.

With the Stewart B. McKinney Education For Homeless Children and Youth Program serving as our impetus to action, Illinois has seized the opportunity to examine certain basic educational policies, practices and procedures and to forge new partnerships and relationships. Through sustained individual and collective examination and re-examination, essence and meaning is derived from our efforts.

From the inception of the program in 1987 to the present, we have witnessed McKinney Act language being incorporated into school terminology, e.g., access, student advocacy, comparable services, service continuum, human investment strategy, coordinated case management, coordination and collaboration. Concomitantly, in this state there has been a growing sense of awareness, sensitivity and responsibility for homeless children and homeless youth among the public and the ranks of school personnel.

The plan set forth in this document describes a continuing effort in this state, to dramatically improve access and school success for homeless children and youth. Educational access and opportunity for one homeless child or youth moves us ever closer to meeting the mandate of providing a free, appropriate public education for all school-age children in the state and gives us some assurance that a child or youth will not become a homeless adult.

PREFACE

The Stewart B. McKinney Homeless Assistance Act was the first comprehensive federal legislation enacted by Congress to address the problems of homelessness in America. Of the several titles under the Act and the programs that have emerged, the educational provisions cited under Section VII, Subtitle B, and subsequent amendments influenced developments contained herein.

In developing this document, the Illinois State Board of Education is cognizant of the premium placed on education in our society and of its increasing role and responsibility to act as a catalyst in the delivery of educational and other services designed to break the cycle of homelessness in Illinois.

ACKNOWLEDGEMENTS

This document represents the ideas of educators, service providers, advocates, coordinators of Illinois programs funded under the Act and fellow coordinators of the "Education For Homeless Children and Youth Program" in other states.

Prominent among the groups or individuals providing input into this revision were:

.Illinois Network for the Education of Homeless Children and Youth
.Illinois Coordinating Council On Homelessness
.Illinois Coalition For The Homeless
.Children In Shelters Task Force
.The Chicago Coalition For The Homeless

In addition to the above, several ideas and suggestions were generated as a result of the agency's participation in a day-long issue focused session coordinated by the Illinois Caucus on Teenage Pregnancy. Through these efforts, state plan development, revision and implementation have progressed on a normal course.

We acknowledge with gratitude those who have ably guided and supported efforts on behalf of homeless children and youth in Illinois.

FACT SHEET: 1991 AND BEYOND

Since the enactment of the Stewart B. McKinney Homeless Assistance Act in 1987, state and local educational agencies have taken significant strides to ensure that homeless children enroll, attend, and succeed in school. With the enactment of the McKinney Act Amendments of 1990, the nation is on the threshold of making substantial changes that will increase the capacity of public schools to provide the services that homeless children need in order to be successful in school. Our nation must be mindful that beyond all else homeless children need homes. However, to the extent that we can meet the educational needs of homeless children, we can ensure that homeless children do not become homeless adults.

In reviewing the numbers, we find that:

- Annual estimates of the number of homeless children in America range from 310,000 to 1.6 million.

- The United States Department of Education estimates that 273,000 school-age children experienced homelessness in 1989.

- In 1989, 28 percent of homeless school-age children did not attend school.

- In Illinois it is estimated that at any given point in time 12,000 children and youth are homeless.

As evidenced through the actions of many state and local educational agencies, schools can play a significant role in meeting both the short and long term needs of homeless students, providing an environment that supports their educational, physical, emotional, and social growth. Examples of such state and local actions include the provision of inservice training for school personnel, outreach efforts to identify and enroll homeless children and youth, counseling, tutoring, evaluation, and other direct services and the coordination of community resources in response to the needs of homeless students. In spite of these efforts, however, schools in many states continue to lack the resources to effectively ensure the school success of each homeless child.

Through the McKinney Homeless Assistance Amendment Act of 1990 (Public Law 101-645), Congress expressed an intolerance to any barrier that prohibited the enrollment of homeless children and youth. Furthermore, through this legislation, Congress acknowledged that the true challenge was not simply to enroll homeless children, but to promote their success in school. Public Law 101-645 included an increase in the authorization for the Education for Homeless Children and Youth Program from $7.5 million to $50 million.

The new authorization would allow state education agencies to provide grants to local education agencies to provide the types of direct services needed to ensure the success of homeless students in public schools.

Although much caution is used in defining the scope of the problem, it is very clear that homelessness among children and youth represents the fastest growing segment of the homeless population in Illinois. Many do not attend school and the reasons are diverse and numerous. Those most often cited for contributing to non-attendance are:

1. parents are preoccupied with survival needs;
2. guardianship-residency requirements frequently delay enrollment;
3. inordinate time delays in transferring school records and the lack of required health records;
4. lack of family or personal stability;
5. lack of transportation to return to attendance center in district of origin or within district;
6. shelter contact is too short in duration to merit enrollment consideration;
7. state's child welfare and youth service system funds an insufficient number of shelters and other alternative placement options;
8. psychological inhibitions; and
9. parents fear that children will become wards of the state.

Although there is considerable debate about the service delivery mechanism most suited to addressing the educational needs of homeless children and youth, it is clear however, that we are dealing with a population at risk. Successful intervention strategies being recommended for dealing with homeless children and youth are similar to those recommended for other at risk populations and include:

.early childhood intervention programs

.remediation in basic skills

.vocational training for older students

.timely identification, assessment, and placement in special needs programs

.special educational services for those with handicaps

.counseling and other support services to help students cope with psychological effects or conditions

.timely screening and case management

.after-school and extended-day programs.

SECTION I

INTRODUCTION TO THE STATE PLAN

The Illinois State Board of Education revised its State Plan to meet the requirements of the Stewart B. McKinney Homeless Assistance Amendments Act of 1990, by reformatting the original document into sections that highlight the major requirements of the revised Act and noting promising activities that will be the thrust of state and second-tier provider program administration and services.

The content in each section of the state plan is organized as follows:

Federal Requirement- indicates the statutory provision that is addressed in each section. Federal requirements contained herein are usually direct quotes from the Education of Homeless Children and Youth Amendments Act of 1990.

Authority- indicates the provision(s) of the School Code that is the basis of state administration or intervention.

Activity- indicates the action undertaken or planned to comply with a specific requirement.

Support Strategy- highlights promising developments/ activities that will be the thrust of state and second-tier provider program administration and services for implementing certain sections of the State Plan.

LEGAL FRAMEWORK GOVERNING SERVICES TO HOMELESS CHILDREN AND HOMELESS YOUTH

Since the Illinois State Board of Education views coordination as central to developing and implementing the State Plan, laws governing services to homeless children and homeless youth are summarized below.

STEWART B. MCKINNEY HOMELESS ASSISTANCE AMENDMENTS ACT OF 1990

- Requirement for review and revision of laws, regulations, practices, or policies that may act as barriers to the enrollment, attendance, or success in school of homeless children and youth.
- Authorization of direct services by SEAs under Section 722(C).
- Programs for school personnel to heighten awareness of problems of educating homeless children and youth.
- Revisions to State plans required under Section 722(e).

THE RUNAWAY AND HOMELESS YOUTH ACT

The Runaway and Homeless Youth Act was first passed by Congress in 1974 to fund temporary shelter and counseling services for homeless youth. Congress recognized that the number of juveniles who leave and remain away from home without parental permission had increased to alarming proportions, creating a substantial law enforcement problem for communities. Congress additionally recognized the dangerous conditions faced by young people who were without resources and living on the street.

Given the interstate nature of the problem, the federal government assumed responsibility for developing a system of temporary care outside the law enforcement structure. This objective was accomplished through annual grants to states and private entities for the provision of services to homeless youth under the age of 18.

STATE LAWS

There are several laws in Illinois that govern the conduct of persons or organizations providing services to homeless youth. They include:

- .The Child Care Act of 1969 (Illinois Revised Statutes, Ch. 23, 2311 et seq.)
- .The Juvenile Court Act (Illinois Revised Statutes, Ch. 37, par. 801-1 et seq.)
- .The School Code (Illinois Revised Statutes, Ch. 122, par. 1-1 et seq.)
- .The Comprehensive Community Services Act of 1982 (Public Act 72-975); Illinois Revised Statutes, Ch.23 and 33
- .Criminal Code (Illinois Revised Statutes, CH.38, par. 10-6)
- .Emancipation of Mature Minors Act

SECTION II

DETERMINATION DESIGNATION AND DISPUTE RESOLUTION

Federal Requirement:

The State will develop, submit to the Secretary, and carry out a State plan as described in Section 722(e) of the Act.

Federal Requirement:

"Each state shall adopt a plan to provide for the education of each homeless child or homeless youth within the state which will contain provisions designated to authorize the state educational agency, the local educational agency, the parents or guardians of the homeless child, the homeless youth, or the applicable social worker to make the determinations required under each chapter."

Federal Requirement:

"Each State shall adopt a plan that provides procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth."

Authority:

The School Code; Chapter 122-Schools; ref. 2-3.6 2-3.8 2-3.26, 2-3.37, 2-3.76 3-10,26.2 50-7, 50-8.1, 50-9.

Activities:

- provide technical assistance to local school district personnel as requested
- convene a series of intra-agency meetings with complaint management and staff to explore avenues for using existing systems and resources to resolve disputes concerning the placement of homeless children and youth
- identify and train persons to act as homeless student advocates. The student advocate will identify and refer students/parents who have problems of access and placement and act to facilitate supportive services for students and their families
- Establish and implement a complaint management system (see Appendix B)
- Annually evaluate complaint management system and institute changes when appropriate
- Maintain communication and articulation with education agencies, service providers, advocacy groups, and other governmental agencies on the development and revision of the state plan
- The state will provide opportunities for the participation by local agencies, and individuals affected by this program and other interested institutions, organizations and individuals in the planning for and operating of the program.

SUPPORT STRATEGY

The Illinois State Board of Education, through a direct program of grant assistance to local educational agencies and community-based organizations, is piloting a number of projects designed to provide critically needed baseline data on the applicability and effectiveness of authority designations as set forth throughout the State plan document.

All funded projects feature one or more identifiable element or component geared to facilitating enrollment, e.g., school/community liaisons, social workers, student advocates case management, policy development or refinement, training program development and training, coordination and collaboration. Utilizing the case study approach, selected projects will be required to provide specific information and policy recommendations on "authority designations" set forth under the state plan.

Upon receipt of case study recommendations, the Illinois State Board of Education will review and analyze the same and subsequently make recommendations, if applicable, for law and policy modifications.

With respect to the complaint resolution system, the Illinois State Board of Education will move to further decentralize the administration of the current system by identifying and training a cadre of persons to serve as mediators. Should placement disputes proceed to the state level of administration a cadre will be identified and available to conduct formal hearings.

Selected projects will test local advocacy as an approach to facilitating placement. Every local educational agency receiving financial assistance under the state plan will be required to formalize placement dispute resolution procedures in each school district within its respective service jurisdiction.

Annually the system will be reviewed to determine effectiveness. Effectiveness will be measured in terms of promptness of dispute resolution and accessibility to affected parties.

All funded projects will be required to report problems encountered with laws, regulations, policies or practices that had the effect of denying a free, appropriate public education to the children of homeless individuals and homeless youth. From such sources the Illinois State Board of Education will compile the data needed to fulfill reporting requirements set forth under subsection (d)(3) of the Act.

SECTION III

ASSURING ACCESS AND SCHOOL SUCCESS

Federal Requirement

"Each child of a homeless individual and each homeless youth will have access to a free, appropriate public education which would be provided to the children of the residents of the states and is consistent with state school attendance laws."

"In any State that has a residency requirement as a component of its compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance or success in school of homeless children and homeless youth the State will review and undertake steps to revise such laws, regulations, practices, or policies to assure that children of homeless individuals and homeless youth are afforded a free and appropriate public education;

. "homelessness alone should not be sufficient reason to separate students from the mainstream school environment."

Federal Requirement

"Each state and local educational agency shall review and revise any policies that may act as barriers to the enrollment of homeless children and youth in schools selected in accordance with paragraph(3). In reviewing and revising such policies, consideration shall be given to issues concerning transportation, requirements of immunization, residency, birth certificates, school records, or other documentation, and guardianship. Special attention shall be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school."

"Demonstrate that the state and local educational agencies in the state have developed and will review and revise policies to remove barriers to the enrollment and retention of homeless children and homeless youth in schools of the state; and

"Ensure that the state educational agency and local educational agencies within the state will adopt policies and practices to ensure that homeless children and homeless youth are not isolated or stigmatized."

Federal Requirement

The local educational agency of each homeless child and each homeless youth shall either;

"continue the child's or youth's education in the school of origin for the remainder of the academic year; or in any case in which a family becomes homeless between academic years, the following academic year; or enroll the child or youth in any school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend; whichever is in the child's best interest or the youth's best interest."

"In determining the best interests of the child or youth for purposes of making a school assignment under subparagraph (A) of the Act, consideration shall be given to a request made by a parent regarding school selection."

"For purposes of this paragraph, the term "school of origin shall mean the school that the child or youth attend when permanently housed, or the school in which the child or youth was last enrolled."

AUTHORITY

The School Code; Chapter-122-schools ref 2.3.26, 2-3.37, 2-3.76, 10-20.12, 10-20.12a, 10-22.18, 13-3,13-6,26-1,26-2,26-7

ACTIVITIES

- Widely disseminate the Illinois State Board of Education's legal opinion on residency (see Appendix B)
- Keep abreast of dropout and choice developments in the state and the resulting policy implications for homeless children and youth.
- Disseminate copies of the Stewart B. McKinney Homeless Assistance Amendments Act of 1990 and request each public school district in Illinois to review its placement policies and practices in the context of homeless students becoming homeless during or at the end of a school term.
- Survey selected school district(s) to determine policies and practices regarding the placement of homeless students at different time intervals; before, during, and after the regular school term begins.
- Inform each school district of its responsibilities under the law in regard to record maintenance and transfer.
- Work with school(s) district to improve intra-inter district and interstate student record transfer time.
- Promote case management as the primary approach to servicing homeless children and youth.
- Encourage the development of non-monetary coordination agreements between school and service provider personnel which formalizes outreach, enrollment and supportive services.
- Undertake an analysis of the 10-20.12a provision of the School Code to determine legislative remedies if any to be taken to meet placement requirements under the Act as amended.

Activities con't

- Convene a series of meetings with homeless youth and domestic violence network providers to assess the impact that domestic violence has on access and placement of homeless children and homeless youth in elementary and secondary schools.

- Require local educational agencies to assure that policies and practices that may act as barriers to the enrollment of homeless children and youth are being reviewed and revised as applicable. Such barriers, at a minimum, must include those addressed in the state plan, e.g., transportation, immunization requirements, residency, birth certificates, school records, and other documentation and quardianship issues.

Support Strategy

Since all of the homeless projects that the Illinois State Board of Education fund focus on enrollment, attendance and comparable services, the information compiled from them should significantly enhance our capacity to revise laws applicable to assuring homeless children and homeless youth a free, appropriate public education within the agency's mainstream school environment.

As "best interest determination" regarding school assignment is currently a determination made by the parent, or parent designee/surrogate, the Illinois State Board of Education will closely monitor school district practices in this regard. As the McKinney Homeless Assistance Amendments Act of 1990, (placement provision) has not been subjected to legal analysis by the agency's legal staff, such will be undertaken, with notice of results issued to each public school under a cover letter from the Superintendent. All school districts receiving grant assistance under the Act will be required to establish and post placement procedures.

SECTION IV

Data Collection, Reporting, Record Maintenance and Transfer

Federal Requirement

"The State will gather data once every two years on the number and location of the homeless children and youth and such data gathering shall include data on the number of homeless children and youth enrolled in schools in the state as determined through random sampling or other statistical methods that ensure that such children and youths are not overtly identified as being homeless, the nature and extent of access to and placement of homeless children in elementary and secondary schools, the difficulties in identifying the special needs of such children, and any progress made by the state and local educational agencies in addressing such problems and difficulties."

"The State will prepare and submit to the Secretary not later than December 31, 1991, and on December 31st of every second year thereafter, a report on the data gathered to comply with the above paragraph."

Federal Requirement

"Address problems set forth in the report provided to the Secretary under subsection (d)(3) of the Act; address problems with respect to the education of homeless children and homeless youths, including problems caused by:

- .transportation issues
- .enrollment delays which are caused by immunization requirements
- .residency requirements
- .lack of birth certificates, school records or other documentations; or
- .guardianship issues;"

Federal Requirement

"Any record ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, are to be maintained so that the records are available in a timely fashion when a child or youth enters a new school district; and in a manner consistent with Section 438 of the General Education Provisions Act (GEPA)."

Authority

The School Code, Chapter 122-Schools. Ref. 27-8.1, 50-2, 50-4, 50-7, 50-8, 50-8.1, 50-9.

Activities

- Develop a statistical model for estimating the number of homeless children and youth at any given time during a 12 month period. The model will be based on variables established in the original survey conducted by Bradley University
- Distribute external data collection forms with instructions for completion to each public school district in the state and selected service providers
- Continue to collect and analyze data to support an annual estimated count of homeless youth and children in Illinois
- Update the count on homeless children and youth and submit the required report to the Secretary as required under subsection (d)(3) of the Act
- Work with the Illinois Coordinating Council on Homelessness to develop a single point in time count of homeless children and youth in Illinois
- Establish reporting and evaluation criteria for pilot projects including local educational agency programs
- Convene a series of meetings with the domestic violence network personnel to assess the impact domestic violence has on access, placement and school success
- Maintain communication with other states regarding focus issues of mutual interest
- Visit several youth service providers and schools to observe service delivery systems in place to serve the children of homeless individuals and homeless youth

Activities con't

- Reprint and disseminate the study conducted by Bradley University, "The Children of Homeless Families in Illinois and Their Education Status"

- Convene meetings as required and otherwise maintain ongoing communication with the Network Group and other audiences

SUPPORT STRATEGY

Elsewhere in this document are references to the Illinois State Board of Education's program of direct grant assistance and its homeless database, Homeless Youth Management Information System (HYMIS), that will be relied upon to generate information needed to examine access laws, regulations, policies and practices.

Examinations or analyses will be conducted to determine if the items cited above restrict enrollment, attendance or the school success of homeless children and youth.

With restructuring or school reform taking shape and gaining momentum in Illinois an interagency committee composed of a representative from the Education for Homeless Children and Youth Program, is examining the issue of dropout prevention. This examination will conclude with a report complete with dropout prevention strategies and policy recommendations for subsequent transmittal to the State Superintendent of Education.

In an examination of this type, issues that have been the focus of Subtitle B, over the years, e.g., residency laws regulations, policies, comparable services, attendance, school success coordination and collaboration will significantly influence the report findings and recommendations.

SECTION V

Program Coordination, Case Management Provisions and Comparable Services

Federal Requirements

"Facilitate coordination between the state education agency, the state social services agencies, and other agencies providing services to homeless children and youth and their families; and develop relationships and coordinate with other relevant education, child development, or preschool programs and providers of services to homeless children, homeless families, and runaway and homeless youths (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youths) in order to improve the provision of comprehensive services to homeless children and homeless youths and the families of such children and youths."

Federal Requirement

"Ensure that homeless children and homeless youths who meet the relevant eligibility criteria are able to participate in federal, state, or local food programs."

"Ensure that homeless children and homeless youths who meet the relevant eligibility criteria are able to participate in federal, state, or local before-and after-school care programs and provide for the disclosure of data concerning the participation of such children in such programs in plans submitted by the State after the initial plan of the State."

Federal Requirement

"Each local educational agency serving homeless children or youth that receives assistance under this title shall coordinate with local social service agencies, and other agencies or programs providing services to such children or youth and their families."

"Each local educational agency that receives assistance under this title shall designate a homeless liaison to ensure that:

.homeless children and youth enroll and succeed in the schools of that agency; and

.homeless families, children and youth receive educational services for which they are eligible, and referrals to health care services, dental services, mental health services, and other appropriate services.

State coordinators and local educational agency liaisons shall inform school personnel, service providers and advocates working with homeless families of the duties of the liaisons."

Federal Requirement

"To provide activities for and services to homeless children and homeless youth that enable such children and youths to enroll in, attend, and achieve success in school."

Federal Requirement

"Each homeless child shall be provided services comparable to services offered to other students in the school selected, including transportation services, educational services for which the child meets the eligibility criteria, such as compensatory educational programs for the disadvantaged, and educational programs for the handicapped and for students with limited English proficiency; programs in vocational education; programs for the gifted and talented; and school meals programs."

Federal Requirement

"Develop programs for school personnel (including principals, attendance officers, teachers, and enrollment personnel), to heighten awareness of such personnel of the specific educational needs of runaway and homeless youth."

Authority

The School Code Chapter 122-Schools, Ref 2-3.66 2-3.79, 2-3.81, 3-15.12, 10-20.12a, 10-20.13, 10-22.6a, 10-22.20a, 10-22.21, 10-22.21a, 10-22.22a, 10-22.25, 10-22.27, 10-22.31, 10-22.31a, 10-22.34b, 10-22.41, 14-1.02,14-1.10, 14-7.03, 14-8.02, 14A-1,14A-3.1, 14B-1, 14C-6, 28-19.2, 34-18.2,34-18.4, 202-1, 412.1

Activities

.The Illinois State Board of Education shall profile by educational service region available programs and services for addressing the needs of homeless children and families

.Visit a selected number of school districts enrolling homeless children and youth to review the service delivery system in place for serving at-risk students

.Establish and make available trained persons to give presentations at administrative, teacher, guidance counselor and social worker conferences and policy forums

.Promote the establishment of local interagency planning and service coordination councils

.Promote coordinated case management as the primary approach to servicing the needs of homeless children and youth

.Identify and train persons at the local school district level to be responsible for ensuring that homeless children and youth are enrolled in school and receiving appropriate services

.Encourage the establishment of non-monetary coordination agreements between schools and service providers, formalizing outreach, intake, referral, support services and follow-up provisions

.Administer a program of direct grant assistance for the local educational agency that is directed toward providing activities for and services to homeless children and homeless youths which enable such children and youth to enroll in, attend, and achieve success in school

.Compile and disseminate educational best practices information derived from pilot projects, educational literature review, educational research and other sources

.Participate in the Federal Interagency for the Homeless and other like coordinating agency functions, e.g. Chicago Coalition for the Homeless, Illinois Coalition for the Homeless, Children in Shelter Task Force, Delinquency Prevention Committee and Illinois Caucus on Teenage Pregnancy

.Support inservice training efforts jointly planned and executed by a team composed of educators, advocates, service providers etc. Such training efforts are directed toward heightening the awareness level of school personnel

.Profile federal, state or local before and after-school care programs and forward to each public school district in the state

.Establish a procedure for collecting data on the participation of homeless children and youth in before and after school programs

.Provide proposed information to the legislature to support legislation to support school transportation for homeless children and youth and children that are victims of domestic violence

.Annually collect data on the number of homeless children and youth who meet relevant eligibility criteria and are able to participate in federal, state or local food programs

SUPPORT STRATEGY

The multi-dimensional needs of homeless children and youth, which often translate into barriers to access, led to the early deployment of a coordinated approach or strategy for addressing the barriers confronting the subject population. Limited resources and restrictions on how resources could be used to comprehensively address needs or barriers confronting homeless children and homeless youth reinforce the need for coordination of service delivery.

In ensuring that children and youth living in transitional or emergency shelter facilities are afforded equal access to appropriate educational services, the Illinois State Board of Education is alert to coordination opportunities and possibilities. Such is evidenced by the number of existing and planned activities delineated herein with a focus on coordination. Under the agency's program of direct grant assistance. All pilots and new programs of direct service assistance employ the widley touted and accepted case coordination approach to service delivery.

Activities set forth in this section are meant to maximize the utilization and accessibility of available federal, state and local resources and enhance coordination opportunities through existing and new activities.

Additionally, pilot projects will field test instructional and non-instructional strategies including multiple supports meant to address needs and barriers to access to a free appropriate public education for homeless children and homeless youth.

SECTION VI

State and Local Educational Agency Grants and Assurances

Federal Requirement

"The State educational agency shall, in accordance with section 722(c)(6) and from amounts made available to such agency under section 722, make grants to local educational agencies for the purpose of facilitating the enrollment, attendance and success of homeless children and youths in schools."

Federal Requirement

"No State or local educational agency may receive a grant under this section unless the State in which the agency is located has submitted a State plan as required by section 722(e)."

Federal Requirement

"The State will administer the program funded under this plan with all applicable statutes, regulations, program grant application and state plan requirements and assurances under the General Education Provisions Act." (GEPA)

Authority

The School Code Chapter 122 schools Ref. 2-3.6 2.3.26, 2-3.76

Activities

- Refine grant application process to comply with the most recent standards promulgated under the Act
- Establish criteria for the determination of need for grant assistance
- Administer grant assistance program in accordance with applicable laws and regulations
- Establish data collection and reporting requirements for second-tier grantees
- Establish evaluation criteria and evaluate effectiveness of covered programs in such intervals as required under law

Support Strategy

The Illinois State Board of Education shall utilize results from its grant assistance program for second-tier service providers as building blocks for granting financial assistance to future grant recipients. With a knowledge base built upon pilots of varying organizational types, e.g. schools, shelters, coalitions and community action agencies, state plan administration and other efforts should proceed with minimal disruptions.

A P P E N D I C E S

APPENDIX A
DEFINITIONS

DEFINITIONS

The following definitions are derived from or based upon appropriate federal and state statutes and regulations:

1. "Homeless" refers to an individual who (1) lacks a fixed, regular and adequate residence or (2) has a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill), an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings.

   The term "Homeless" or "Homeless Individual" does not include any individual imprisoned or otherwise detained by an Act of Congress or a state law.

2. "Children and "Youth" are persons who, if they were children of residents of the state, would be entitled to a free public education.

3. "Free, Appropriate Public Education" means the educational programs and services that are provided the children of a resident of the state, and that are consistent with state school attendance laws. It includes educational services for which the child meets the eligibility criteria, such as compensatory education programs for the disadvantaged; educational programs for the handicapped and for students with limited English proficiency; programs in vocational education; programs for the gifted and talented; and school meals programs.

4. "State Board" means The Illinois State Board of Education.

5. "Student" means any person enrolled or previously enrolled in a school.

6. "School District of Origin" means the school district within the State of Illinois in which the homeless child was entitled to enrollment into an educational program, or would have been entitled to enroll upon reaching school age if circumstances had not arisen which caused such child to become homeless.

7. "School District of Current Location" means the school district within the State of Illinois in which the hotel, motel, shelter, or other temporary housing arrangement of a homeless child is situated.

8. "School" means any public preschool, day care center, kindergarten, nursery, elementary or secondary education institution, vocational school, special educational facility or any other elementary or secondary educational agency or institution and any person, or agency which maintains school student records from more than one school, but does not include a private or nonpublic school.

9. "School Student Record" means any writing or other recorded information concerning a student and by which a student may be individually identified, maintained by a school or by someone else at its direction or by an employee of a school, regardless of how or where the information is stored.

10. "Missing Children" are persons age 17 and under whose whereabouts are unknown to their parents, guardians or custodians.

11. "Runaway Youth" are persons also 17 and under who are absent from home without consent of their parents, guardians or custodians.

12. "Pregnant Teenagers" and "Teen Mothers Who Are Homeless" are young women, age 20 and under who are pregnant or have children and could not be reunified with their families, who are not in a permanent living situation and who lack housing and the skills to legitimately support themselves.

13. "Sexually Exploited Youth" are persons age 20 and under who are victims of sexual exploitation, including prostitution and pornography.

14. "Throw-Aways or Push-Outs" are persons age 20 and under who have no parents, foster parents, or institutional home. These youth have left, or been urged to leave, with the full knowledge and approval of their parents or legal guardians and have no alternative home.

15. "Youth" means a person, including homeless youth, under the age of 21 who cannot be reunited with his or her family and is not in a safe and stable living situation.

16. "Neglected Minor" means any person under 18 years of age who is abandoned by his or her parents or other person responsible for the minor's welfare, or whose parents have not provided the necessary support, education, medical or other care necessary for the minor's well-being, including adequate food, clothing, or shelter.

17. "Abused Minor" means any person under 18 years of age whose parent or another person in the household:

- inflicts by other than accidental means, serious physical injury upon the minor
- creates a serious risk of physical injury to the minor
- commits or allows to be committed any sex offense against the minor
- inflicts excessive corporal punishment upon the minor.

The term also includes any minor whose environment is injurious to his or her welfare.

18. "Dependent Minor" means any person under 18 years of age who is without a parent, guardian or legal custodian, or is without proper care because of the physical or mental disability of his/her parent, whose parent, with good cause, wishes to be relieved of all residual parental rights and responsibilities.

19. "Addicted Minor" means any minor who is an addict or an alcoholic as defined in the Alcoholic and Substance Abuse Act.

This would include any minor who:

a) habitually uses any drug, chemical substance or dangerous drug other than alcohol so as to endanger the public morals, health, safety, or welfare or who is so addicted to the use of a dangerous drug or controlled substance other than alcohol as to have lost the power of self-control with reference to his or her addiction; or

b) suffers from an illness characterized by preoccupation with alcohol, which is typically associated with physical disability and impaired emotional, occupational or social adjustments as direct consequences of loss of control over consumption of alcohol, demonstrated by persistent and excessive use of alcohol (such as to lead usually to intoxication if drinking is begun), by chronicity, by progression, and by a tendency toward relapse.

20. "Minor Requiring Authoritative Intervention" means any person under 18 years of age who is absent from home without the consent of his or her parents, or who is beyond the control of his or her parents; and who, after being taken into limited custody by the police and offered interim crisis intervention services, refuses to return home or to be placed in an alternative voluntary residential placement.

    No minor may be adjudicated a MRAI until 21 days have elapsed following the first instance of being taken into limited custody, or until five days following the second, third or fourth instance of being taken into custody. No cooling-off period is required for the fifth or subsequent instances of being taken into limited custody.

21. "Limited Custody" is the authorization for a police officer to detain, for a period of not more than 6 hours, a minor whom she/he reasonably determines to be absent from home without consent or beyond the control of his/her parents. During this time, the officer is to immediately inform the minor of the reasons for the custody and make a prompt, reasonable effort to inform the minor's parents that the minor has been taken into limited custody and where the minor is being kept. There is no statutory prohibition to a youth advocate being present with the minor during this period of limited custody.

APPENDIX B

GRIEVANCE PROCEDURE

GRIEVANCE PROCEDURE

This grievance procedure is applicable to any persons alleging the abridgement of the educational placement right of homeless children and youth. In addition to being published in the State Plan, an implementing policy statement will be proposed for adoption by the Illinois State Board of Education and forwarded to each public school district in the state for posting. At minimum, the policy will contain the name, address and telephone number of the person at the state level to be notified in case of complaint and a statement to the effect that all other eligibility requirements having been met, the homeless student will be allowed to continue schooling in the district of origin or where actually living during the pendency of an appeal.

APPEAL PROCEDURES

1) Initial information will be recorded or received on a standard referral form. The form will be date stamped upon receipt or completion of transcription. Referral information will be accepted by mail, walk-in or telephone.

2) Administrative support staff will refer a copy of referral to homeless supervisor immediately upon completion for validation.

3) Following validation, the project supervisor shall coordinate the mediation process and reach a decision within fifteen days of complaint validation. All parties to the dispute will be provided with a written copy of the decision.

4) Should mediation fail, the matter shall be referred automatically to Recognition and Supervision by the project director for review and possible renewed mediation. Within five days of receipt, all parties, including the project supervisor, will be notified of the decision, reached by the mediator.

5) Should the dispute remain unresolved, the matter shall be referred to the State Board of Education's Legal Department for disposition. Disposition shall proceed along the course of a negotiated resolution or due process hearing conducted by the Legal Department or a third party. A decision will be reached within 30 days and all parties will be notified.

APPENDIX C

RESIDENCY REQUIREMENT

ILLINOIS STATE BOARD OF EDUCATION

100 North First Street • Springfield, Illinois 62777-0001

Thomas Lay Burroughs
Chairman

Robert Leininger
State Superintendent

April 25, 1990

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Illinois State Board of Education
Urban and Ethnic Education

TO: Regional Superintendents
District Superintendents

FROM: Robert Leininger

SUBJECT: Legal Opinion Regarding Residency

Attached is a legal opinion involving the question of determining the residency of homeless children. We have determined that under the present provisions of The School Code all children of school age are entitled to a free public education in the school district wherein they reside. The Stewart B. McKinney Homeless Assistance Act (42 U.S.C.A. 11301 et seq.) defines homeless individuals. That definition and its application in Illinois are discussed in the attached legal opinion.

I trust that this information will be of assistance to you in determining how to comply with the legal requirements relative to homeless children. If you have further questions, please contact John Edwards at 312/814-3606.

While this opinion may have general application to other types of residency questions, usually each situation must be considered individually due to exceptional circumstances. If you have any questions, please contact the appropriate department of our agency (e.g., Special Education, Recognition and Supervision).

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ILLINOIS STATE BOARD OF EDUCATION

100 North First Street • Springfield, Illinois 62777-0001

Thomas Lay Burroughs
Chairman

Robert Leininger
State Superintendent

April 25, 1990

TO: Regional and District Superintendents

FROM: David A. Thompson DAT
Acting Legal Advisor

SUBJECT: Application of Residency Requirements to Homeless Children

As you may know, in 1987 Congress enacted the Stewart B. McKinney Homeless Assistance Act. (Public Law 100-77, 42 U.S.C.A. 11301 et seq.) The Act, which makes various types of assistance available to the homeless, includes provisions intended to ensure that homeless children have the same opportunity to receive a free public education as other children. Section 103(a) of the Act defines the term "homeless individual" to include:

> (1) an individual who lacks a fixed, regular, and adequate nighttime residence; and
> (2) an individual who has a primary nighttime residence that is --
>
> (A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
> (B) an institution that provides a temporary residence for individuals intended to be institutionalized; or
> (C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
>
> (42 U.S.C.A. 11302(a).)

Following approval by the U.S. Secretary of Education of state plans to serve the educational needs of homeless

Illinois is a grant recipient under the Act. The grant must be used to carry out the policy set forth in Section 721 of the Act, which states:

> It is policy of the Congress that --
>
> (1) each State educational agency shall assure that each child of a homeless individual and each homeless youth have access to a free, appropriate public education which would be provided to the children of a resident of a State and is consistent with the State school attendance laws; and
>
> (2) in any State that has a residency requirement as a component of its compulsory school attendance laws, the State will review and undertake steps to revise such laws to assure that the children of homeless individuals and homeless youth are afforded a free and appropriate public education.
>
> (42 U.S.C.A. 11431.)

Illinois does have a residency requirement as a component of its compulsory school attendance law. Section 26-1 of The School Code requires that a child between the ages of 7 and 16 years of age "attend some public school in the district wherein the child resides...." Moreover, while school districts are required to provide "a sufficient number of free schools for the accommodation of all persons in the district over the age of 5 and under 21, and to secure for all such persons the right and opportunity to an equal education..." (emphasis added, School Code, Section 10-20.12), they are also required to charge tuition to non-resident students (School Code, Section 10-20.12a.) Accordingly, if homeless individuals are considered under Illinois law as having no residence for school purposes, or if they are considered residents of their last "permanent" home despite their presence in a different district, homeless children would be denied a free public education in violation of the McKinney Act.

In order to comply with Section 721 of the McKinney Act, we have therefore reviewed Illinois school residency requirements to determine whether homeless children -- whether they are part of a homeless family or living on their own -- have the right to a free public education and are not denied this right because they or their families lack a permanent home. It is our opinion that Illinois law has long guaranteed homeless individuals the same right to a

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residents.

In 1916, the Illinois Supreme Court in Ashley v. Board of Education, 275 Ill. 274, considered whether children who had been placed in an orphanage by parents or guardians who were unable to care for them were residents of the school district where the orphanage was located, and were therefore entitled to attend the district's schools without paying tuition. In holding that such children were entitled to attend school in the district where the orphanage was located, the court stated:

> It is not essential to the right of a child to attend the public schools of the State that it should have a legal domicile in the place in which the school is held. The schools are required to be maintained for all persons in the district over the age of six and under twenty-one years of age. The residence required under this language is not such as would be required to establish a right to vote or which would fix the liability of a township or county for the support of a pauper. The right to attend school is not limited to the place of the legal domicile. A residence, even for a temporary purpose, in a school district is sufficient to entitle children of school age to attend school. A man may leave his home for a temporary purpose, and, according as the exigencies of his interests or his business or his public or private employment require or his pleasure dictates, may reside for a longer or shorter time in a different part of the State. He does not thereby lose his legal domicile or his right to vote there at elections. ... His children, however, would not be obliged to attend school in the district of his domicile. Within the meaning of the School law they would be in the district of his temporary residence and entitled to attend school without the payment of tuition and without any transfer from the district of his domicile. The only requirement, so far as residence is concerned, is dwelling in the school district. Every child of school age in the State is entitled to attend the public schools in the district in which it actually resides for the time being, whether that be the place of its legal domicile or the legal domicile of its parents or guardian, or not. This has always been the view which has been held, so far as we are informed, by those charged with the administration of the School law. In Bateman's Common School Decisions (ed. of 1890, p. 135,) it is said:
>
> * * *
>
> "Children who have been apprenticed or adopted

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the extent practicable under requirements relating to education established by State law":

* * *

(3) The local educational agency of each homeless child or youth shall either --

(A) continue the child's or youth's education in the school district of origin for the remainder of the school year; or

(B) enroll the child or youth in the school district where the child or youth is actually living;

whichever is in the child's best interest or the youth's best interest.

(4) The choice regarding placement shall be made regardless of whether the child or youth is living with the homeless parents or has been temporarily placed elsewhere by the parents.

(5) Each homeless child shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including educational services for which the child meets the eligibility criteria, such as compensatory educational programs for the disadvantaged, and educational programs for the handicapped and for students with limited English proficiency; programs in vocational education; programs for the gifted and talented; and school meals programs.

(6) The school records of each homeless child or youth shall be maintained --

(A) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and

(B) in a manner consistent with [federal law concerning student records].

(42 U.S.C.A. 11432(e)(3-6).)

We believe that Illinois law is consistent with each of these requirements. First, any student, including a homeless student, who moves from one district to another in the middle of a school year has the option under Section 10-20.12a of completing the school year in the student's

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into a new family, or who have been placed permanently in the care of others with no intention of withdrawal, or those over whom parents have relinquished all control from whatever cause, or those who have no parents or guardians or whose parents or guardians live in another State or country and exercise no control over their children, or those who have no permanent abode but go from place to place in search of employment and whose only home is where they find work, -- the children included in all the above classes are to be enumerated in the district where they live and are entitled to all the rights and benefits of the free schools in said district."

(275 Ill. at 278-280.)

The quoted passage from Ashley remains the law in Illinois. As another court recently stated, "Ashley...made clear...that a residence, even for a temporary purpose, in a school district is sufficient to entitle children of school age to attend school, so long as the residence is not established solely to enjoy the benefits of free schools." (Connelly v. Gibbs (1983), 112 Ill. App. 3d 257, 261.) In determining whether a child is a resident of a school district who is entitled to a free public education in the district's schools, Illinois law therefore requires only that the child actually live somewhere in the district, and that the reason for the child's presence in the district is not simply to attend the district's schools. (See Turner v. Board of Education (1973), 54 Ill. 2d 68 (holding that a minor who left her parent's home and lived with a brother solely for the purpose of attending a public school in the brother's district was not a resident of the brother's district for school purposes).

This same rule for determining residency applies to the homeless as defined in Section 103(a) of the McKinney Act and to permanent residents of a district. In regard to the homeless, the test is not whether a student or his family maintains a permanent residence in the district, but whether the homeless family or individual homeless student is physically living within the district's boundaries and the reason for the family's or individual's living arrangement is not solely to take advantage of the district's schools. Under this residency test, homeless students enjoy the same right to a free public education in the district of their current residence as is enjoyed by other Illinois residents.

Section 721(e) of the McKinney Act further requires that each State plan contain assurances that school districts will comply with the following requirements "to

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the Ashley case requires that residency decisions be made regardless of whether a homeless child is living with homeless parents or has been temporarily placed elsewhere by the parents. Third, each homeless child in Illinois has access to comparable services offered to other students in the district. As noted above, Section 10-20.12 of The School Code provides that school districts have a duty to establish "a sufficient number of free schools for the accommodation of all persons in the district over the age of 5 and under 21 years, and to secure for all such persons the right and opportunity to an equal education in such schools...." Fourth, The School Code and the Illinois School Student Records Act require that student records, including the records of homeless students, be maintained in compliance with federal law and be promptly transferred when a child transfers to a new school. (See School Code, Section 2-3.13a; Ill. Rev. Stat. 1987, ch. 122, par. 50-1 et seq.)

We therefore believe that Illinois law fully complies with the letter and spirit of the McKinney Act. If you need further information concerning the implementation of the McKinney Act in Illinois, please contact Project Supervisor John Edwards at (312) 814-3606.

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100 North First Street, Springfield, Illinois 62777-0001

Thomas Lay Burroughs, Chairman
Robert Leininger, State Superintendent

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